

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARILLA PRICE,)	
)	Civil Action No. 13 – 1314
Plaintiff,)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
v.)	
)	ECF No. 28
AMAN & NIKHIL INC., et al,)	
)	
Defendants.)	

MEMORANDUM OPINION REGARDING MOTION FOR ATTORNEY FEES

Pending before the Court is Plaintiff's Motion for Attorney Fees. Defendants have filed a Brief in Opposition. A telephone conference was held on August 27, 2014. Following review of the briefs of the parties as well as argument, the Motion is now ripe for disposition.

This case was originally filed as both an individual claim on behalf of Plaintiff, Arilla Price, and both a collective claim on behalf of all others similarly situated under the Fair Labor Standards Act and a Class Action claim also on behalf of all others similarly situated under the Pennsylvania Minimum Wage Act of 1968. The parties reached a settlement as to the individual claims of Ms. Price after a Rule 68 Offer of Judgment in the amount of \$4774.50. The collective and class action claims were not pursued.

Plaintiff has submitted a fee petition in the amount of \$29,622.50 arguing that Plaintiff was the prevailing party as required by law. *U.S. v. Hensley*, 461 U.S. 424 (1983). Defendants argue that Plaintiff prevailed only on the individual claim and did not prevail on either the collective or the class action claims and therefore, the bill should be reduced by at least 50%. Defendants further argue that the billing rates for Ms. Leonard and Mr. Manes are far in excess

of what a similarly situated attorney would charge in this jurisdiction, some of the billing is excessive given the repetitive nature of this litigation, and the entries are vague, nonspecific and duplicative.

With this background, the Court makes the following determinations.

Mr. Blau's billing rate of \$450/hour is found to be reasonable. Ms. Leonard's rate is \$375/hour. She is a lawyer with 15 years of experience. Mr. Manes acted as local counsel for the case. He is an attorney with 1.5 years of practice and charged an hourly rate of \$325. A review of the Attorney Fees Chart attached to Plaintiff's Motion indicates that attorneys with 11 to 15 years of experience charge between \$260 and \$335 per hour. The chart further indicates that a lawyer with less than 2 years experience charges rates ranging from \$165-\$190 per hour. This chart is the fee schedule used by Community Legal Services in Philadelphia. While legal services rates may be lower, Philadelphia rates are clearly higher. In addition, the undersigned has practiced law in this community for 20 years and, based upon that and a review of fee petitions during her 10 years on the bench, is aware of what the billing rates are in the Pittsburgh legal community. Based upon all of this information, the Court will lower Ms. Leonard's rate to \$335 per hour and Mr. Manes is rate to \$175 per hour.¹

Because Plaintiff did not prevail on either the collective or class-action claims, the Court is cutting by 50% the 8 hours spent in preparing the complaint. The Court declines to cut any additional time because the work which was performed was still required to pursue the individual claim on which Plaintiff prevailed. The Court will further make adjustments to Mr. Blau's time billed on 9/4/13, 10/10/13, and 2/7/14 because this time is viewed as excessive given the nature

¹ Although Mr. Manes advised the Court during argument that he regularly charges clients the rate of \$325 per hour the Court is factoring in the reality that he was local counsel charged with reviewing filings to ensure that they complied with the local rules and making sure that pleadings were properly filed. His role in the case was not one which required an extensive amount of legal experience and knowledge in the subject matter.

of the case. Finally, Mr. Blau billed a total of 6.3 hours to prepare for four depositions. Defendants argue that this time is excessive. The Court does not believe the time itself is excessive but the depositions were focused primarily on establishing the collective and class claims which were not pursued. Therefore, this time will be cut by 50%. On October 30, 2013 Ms. Leonard billed for ECF filing. This is an administrative function and will be deleted. Finally, the Court has determined that Mr. Manes hours should be cut from 19.7 to 15 as some of the time he billed was duplicative. Based upon the above, the Court believes that the following amount of attorney's fees are to be awarded to Plaintiff's counsel in this case.

Blau: 38.8 hours @ \$450/hr.....	\$17,460
Leonard: 4.6 hours @\$335/hr.....	\$ 1,541
Manes: 15 hours @&175/hr.....	<u>\$ 2,625</u>
Total	\$20,239

And Order consistent with this opinion will be entered.



Lisa Pupo Lenihan
Chief United States Magistrate Judge